

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #5	CCRB Case #: 201804306	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/11/2018 6:00 AM	Location of Incident: Inside and outside of § 87(2)(b); 83rd Precinct stationhouse	Precinct: 83	18 Mo. SOL 11/11/2019	EO SOL 11/11/2019	
Date/Time CV Reported Tue, 05/29/2018 1:24 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 05/29/2018 1:24 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Julio Micheli	1292	937106	NARCBBN
2. SDS Claudio Ramirez	03804	907114	NARCBBN
3. DT3 Hugo Ortega	03534	935438	NARCBBN
4. DT3 Raymond Gordon	04592	916966	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Julio Micheli	Abuse: Detective Julio Micheli entered § 87(2)(b) in Brooklyn.	
B.DT3 Julio Micheli	Abuse: Detective Julio Micheli searched § 87(2)(b) in Brooklyn.	
C.DT3 Julio Micheli	Force: Inside of § 87(2)(b) in Brooklyn, Detective Julio Micheli used physical force against § 87(2)(b)	
D.DT3 Julio Micheli	Force: Inside of § 87(2)(b) in Brooklyn, Detective Julio Micheli used physical force against § 87(2)(b)	
E.DT3 Hugo Ortega	Force: Inside of § 87(2)(b) in Brooklyn, Detective Hugo Ortega used physical force against § 87(2)(b)	
F.SDS Claudio Ramirez	Discourtesy: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez spoke discourteously to § 87(2)(b)	
G.SDS Claudio Ramirez	Abuse: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez threatened § 87(2)(b) with the arrests of § 87(2)(b)'s family members.	
H.SDS Claudio Ramirez	Abuse: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez threatened to notify Administration for Children's Services.	
I.DT3 Raymond Gordon	Abuse: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened § 87(2)(b) with the arrests of § 87(2)(b)'s family members.	

Officer(s)	Allegation	Investigator Recommendation
J.DT3 Raymond Gordon	Abuse: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened to notify Administration for Children's Services.	
K.DT3 Raymond Gordon	Discourtesy: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon spoke discourteously to § 87(2)(b)	
L.DT3 Raymond Gordon	Abuse: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened § 87(2)(b) with the use of force.	
M.DT3 Raymond Gordon	Force: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon tightly handcuffed § 87(2)(b)	
N.DT3 Raymond Gordon	Discourtesy: At the 83rd Precinct stationhouse, Detective Raymond Gordon spoke discourteously to § 87(2)(b)	
O.DT3 Raymond Gordon	Abuse: At the 83rd Precinct stationhouse, Detective Raymond Gordon threatened § 87(2)(b) with the use of force.	

Case Summary

On May 29, 2018, the CCRB received two mailed envelopes containing three handwritten complaints about this incident. The complaints were respectively written from the perspective of § 87(2)(b) her daughter § 87(2)(b) and her brother § 87(2)(b). All three letters were clearly written in § 87(2)(b)'s handwriting. On June 5, 2018, IAB received a letter from § 87(2)(b) regarding the same complaint, generating original log #18-21802.

On May 11, 2018, at approximately 6:00 a.m., officers assigned to Narcotics Borough Brooklyn North entered and searched § 87(2)(g) in Brooklyn, under valid search warrant § 87(2)(b) obtained by Det. Julio Micheli, also of Narcotics Borough Brooklyn North (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Det. Micheli allegedly instructed § 87(2)(b) to get on the ground. When she failed to do so, he allegedly pushed her down to the ground (**Allegation C: Force, § 87(2)(g)**) and § 87(2)(b) was placed in handcuffs. Det. Micheli and his bunker security, Det. Hugo Ortega entered § 87(2)(b)'s bedroom, where he was asleep. Det. Micheli allegedly pulled § 87(2)(b) by his hair (**Allegation D: Force, § 87(2)(g)**) while Det. Ortega allegedly pulled him on his leg to bring him down to the floor (**Allegation E: Force, § 87(2)(g)**). § 87(2)(b) was then placed in handcuffs. Sgt. Claudio Ramirez allegedly stated to § 87(2)(b) after finding marijuana, "You better say this fucking weed is yours" (**Allegation F: Discourtesy, § 87(2)(g)**) or he would arrest members of § 87(2)(b)'s family and threatened to contact ACS in regards to § 87(2)(b) (**Allegations G and H: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was placed in the prisoner van with Det. Raymond Gordon. While in the prisoner van, § 87(2)(b) told Det. Gordon that he had to use the bathroom. Det. Gordon allegedly told § 87(2)(b) that he "did not give a fuck" if § 87(2)(b) had to use the bathroom. When § 87(2)(b) complained about the handcuffs being too tight, Det. Gordon allegedly told him that he did not "give a fuck," that he did not "fucking care," and to "shut the fuck up" and sit down (**Allegation I: Discourtesy, § 87(2)(g)**). Det. Gordon allegedly told § 87(2)(b) "If you don't fucking say that everything found in the house is yours, I'm going to fucking punch you in the face" (**within allegation I; Allegation J: Abuse of Authority, § 87(2)(g)**). Det. Gordon allegedly told § 87(2)(b) that he would arrest § 87(2)(b)'s niece and nephew (**Allegation K: Abuse of Authority, § 87(2)(g)**), resulting in his niece's daughter being taken away (**Allegation L: Abuse of Authority, § 87(2)(f)**). § 87(2)(b) stated again that his handcuffs were too tight and Det. Gordon allegedly replied, "This one," while tightening the handcuffs (**Allegation M: Force, § 87(2)(g)**).

At the 83rd Precinct stationhouse, Det. Gordon allegedly said, "If you don't fucking say what's found in the house is yours, we're going to fuck you up and make your life a living hell," and, "If you would have took a piss in the truck or acted up, I would have punched you dead in your fucking face" (**Allegation N: Discourtesy, § 87(2)(g)**; **Allegation O: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was arrested for criminal possession of a firearm and criminal possession of marijuana (Board Review 01).

Video footage from the prisoner van was obtained and can be found in IAs 82 and 83 (Board Review 02 and 03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Julio Micheli entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Detective Julio Micheli searched § 87(2)(b) in Brooklyn.

It is undisputed that on May 11, 2018, at approximately 6:00 a.m., officers entered and searched the § 87(2)(b) in Brooklyn, under valid search warrant § 87(2)(b) which was obtained by Det. Micheli and signed by the § 87(2)(b) (Board Review 04).

As per NYS Criminal Procedure Law section 690.05, officers may forcibly enter and search a location pursuant to a valid search warrant (Board Review 05).

§ 87(2)(g)

Allegation (C) Force: Inside of § 87(2)(b) in Brooklyn, Detective Julio Micheli used physical force against § 87(2)(b)

§ 87(2)(b) alleged that after officers entered her home and approached her, Det. Micheli instructed her to get on the ground. § 87(2)(b) refused to do so by responding, “What the fuck?” Det. Micheli told her that she was obstructing the way and then, while holding onto his shield in one hand, he took his other hand, placed it on her right shoulder, and pushed her down to the ground. § 87(2)(b) sustained pain to her shoulder from a prior injury that had been aggravated from the push. § 87(2)(b) was placed in handcuffs and stood up.

Det. Micheli denied pushing § 87(2)(b) and his bunker security, Det. Ortega, denied seeing him do so.

NYS Criminal Procedure Law section 690.50 states that an officer may use against any person resisting his entry or search thereof as much physical force, other than deadly physical force, as is necessary to execute the warrant (Board Review 05).

§ 87(2)(g)

Allegation (D) Force: Inside of § 87(2)(g), § 87(2)(b) in Brooklyn, Detective Julio Micheli used physical force against § 87(2)(b)

Allegation (E) Force: Inside of § 87(2)(b) in Brooklyn, Detective Hugo Ortega used physical force against § 87(2)(b)

§ 87(2)(b) stated that he was sleeping in his bedroom when he felt an elbow touch him on his arm. § 87(2)(b) woke up and saw that Det. Micheli had placed his shield on his right upper arm and shoulder area. § 87(2)(b) said, “What the fuck?” Det. Micheli told § 87(2)(b) to stop resisting arrest. § 87(2)(b) responded that he was not resisting arrest and asked the officers why they were there. Det. Micheli told § 87(2)(b) not to worry about it and he would find out shortly. Det. Micheli then pulled § 87(2)(b) by his hair while Det. Ortega pulled him

on his leg to bring him down to the floor. § 87(2)(b) landed on his stomach and hit his face on the floor. Additional officers entered the room and placed him in handcuffs.

§ 87(2)(b) stated that when Det. Micheli and Det. Ortega entered § 87(2)(b)'s room, they yelled at him to get off of the bed. § 87(2)(b) informed the officers that § 87(2)(b) was deaf. The officers placed their shields on the floor and Det. Ortega either smacked or punched § 87(2)(b) on his left ear. § 87(2)(b) jumped up as a result of this. Det. Ortega continued to instruct § 87(2)(b) to get on the floor. § 87(2)(b) gave Det. Ortega a strange look because he could not hear him. Det. Ortega then grabbed § 87(2)(b)'s arm and pulled him onto the floor. § 87(2)(b) landed on his stomach. Both officers grabbed § 87(2)(b)'s arms and pulled them behind his back while Det. Ortega had his knee on § 87(2)(b)'s back. § 87(2)(b) was then placed in handcuffs.

Det. Micheli stated that when he entered § 87(2)(b)'s room, he saw him lying on the bed asleep. Det. Micheli nudged him with his shield, waking him. Det. Micheli denied making any further physical contact with § 87(2)(b). He denied striking him, pulling his hair, or dragging him to the floor and did not see another officer do so. Det. Micheli ordered § 87(2)(b) to wake up and said, "Police, don't move." § 87(2)(b) woke up, and stood up on his own, with his hands up. § 87(2)(b) was compliant and there was no resistance. § 87(2)(b) was never on the floor. Det. Ortega handcuffed § 87(2)(b).

Det. Ortega stated that while § 87(2)(b) was lying face down on the bed, Det. Ortega handcuffed him. He then instructed § 87(2)(b) to sit up and assisted him in sitting up. There was no issue placing him in handcuffs. He denied pulling his hair and pulling his legs, causing him to fall to the floor and did not observe another officer do so. He denied that § 87(2)(b) was ever on the ground while in this room.

§ 87(2)(g)

Allegation (F) Discourtesy: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez spoke discourteously to § 87(2)(b)

Allegation (G) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez threatened § 87(2)(b) with the arrest of § 87(2)(b)'s family members.

Allegation (H) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Sergeant Claudio Ramirez threatened to notify Administration for Children's Services.

Allegation (K) Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened § 87(2)(b) with the arrest of § 87(2)(b)'s family members.

Allegation (L) Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened to notify Administration for Children's Services.

§ 87(2)(b) stated that after he was placed in handcuffs, Sgt. Ramirez entered his bedroom holding a box that contained marijuana. Det. Ortiz stated that he found the box in the hallway and showed it to § 87(2)(b). Sgt. Ramirez said to § 87(2)(b) "You better fucking say that this is yours," and threatened that if he did not then he would "fuck with" his nephew and niece. § 87(2)(b) told Sgt. Ramirez that the box did not belong to him and belonged to his

nephew's friend. Sgt. Ramirez stated, "You better say this fucking weed is yours or I'm going to lock up your niece and her daughter and you don't want to see them in jail."

§ 87(2)(b) stated that Sgt. Ramirez told § 87(2)(b) that if he did not claim that the marijuana was his, then everyone would be arrested for it and § 87(2)(b) get taken away. § 87(2)(b) stated in her phone statement that Sgt. Ramirez said that everyone in the apartment would be arrested if § 87(2)(b) did not claim the marijuana.

§ 87(2)(b) stated that while in the prisoner van, Det. Gordon told him that if he did not say that everything in the house was his, he would lock up § 87(2)(b)'s nephew and niece resulting in the removal of his niece's daughter. § 87(2)(b) was not present for the incident in the prisoner van.

Sgt. Ramirez stated that when he entered § 87(2)(b)'s room, he asked § 87(2)(b) whether there was anything in the room and § 87(2)(b) acknowledged having marijuana in the room and BB guns in the dresser. Sgt. Ramirez denied threatening to arrest all civilians in the building, and he denied telling § 87(2)(b) that if he did not claim that the marijuana was his then he would call ACS to have the baby taken away. Sgt. Ramirez denied discussing calling ACS for any reason and denied using profanity while speaking to § 87(2)(b). Det. Micheli did not hear Sgt. Ramirez make the alleged threats or use any profanity. Det. Ortega denied hearing any officers make the alleged threats or use profanity. Det. Gordon denied making the alleged threats towards § 87(2)(b) in the prisoner van.

The investigation obtained video footage from the prisoner van, but it does not capture audio and is cut off prior to § 87(2)(b) being escorted out of the prisoner van (Board Review 02 and 03).

§ 87(2)(g)

Allegation (I) Discourtesy: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon spoke discourteously to § 87(2)(b)

Allegation (J) Abuse of Authority: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon threatened § 87(2)(b) with the use of force.

Allegation (M) Force: Outside of § 87(2)(b) in Brooklyn, Detective Raymond Gordon tightly handcuffed § 87(2)(b)

Allegation (N) Discourtesy: At the 83rd Precinct stationhouse, Detective Raymond Gordon spoke discourteously to § 87(2)(b)

Allegation (O) Abuse of Authority: At the 83rd Precinct stationhouse, Detective Raymond Gordon threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that while he was in the prisoner van, he told Det. Micheli that he had to use the bathroom and that the handcuffs were too tight. Det. Micheli allegedly replied that he did not "give a fuck," that he did not "fucking care," and to "shut the fuck up." Det. Micheli also allegedly said, "If you don't fucking say that everything found in the house is yours, I'm going to fucking punch you in the face." When § 87(2)(b) complained again that the handcuffs were too tight, Det. Micheli allegedly said, "This one?" while tightening the handcuffs. § 87(2)(b) alleged that when he arrived at the 83rd Precinct stationhouse, Det. Gordon said, "If you don't fucking say what's found in the house is yours, we're going to fuck you up and make your life a

living hell.” Det. Gordon also allegedly stated, “If you would have took a piss in the truck or acted up, I would have punched you dead in your fucking face.”

Det. Gordon stated that only he and Det. Kathleen Grant were in the prisoner van with § 87(2)(b). He acknowledged that § 87(2)(b) complained that he had to use the bathroom but denied that he complained that the handcuffs were too tight. Det. Gordon denied making the alleged statements or hearing Det. Grant make the alleged statements. Det. Gordon denied tightening § 87(2)(b)'s handcuffs.

The investigation obtained video footage from the prisoner van, but it does not capture audio and is cut off prior to § 87(2)(b) being escorted out of the prisoner van (Board Review 02 and 03).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
§ 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- § 87(2)(b)
§ 87(2)(b)
 - § 87(2)(b)
- Det. Micheli has been a member of service for 14 years and has been a subject in two prior CCRB complaints and five allegations, of which two allegations were substantiated:
 - Case #201307960 involved substantiated allegations of a frisk and search of person. The Board recommended instructions and the NYPD imposed instructions.
 - § 87(2)(g)
- Det. Ortega has been a member of service for 14 years and has been a subject in nine prior CCRB complaints and 20 allegations, none of which was substantiated. § 87(2)(b)
§ 87(2)(b)
- Sgt. Ramirez has been a member of service for 25 years and has been a subject in 17 prior CCRB complaints and 46 allegations, of which five allegations were substantiated:
 - Case #200401489 involved substantiated allegations of a question and/or stop, a frisk and/or search, and a vehicle search. The Board recommended command discipline A and the NYPD imposed command discipline A.

- Case #201102711 involved a substantiated allegation of a search of person. The Board recommended no disciplinary action and the NYPD imposed no penalty.
- Case #201103348 involved a substantiated allegation of a stop. The Board recommended instructions and the NYPD imposed instructions.
- § 87(2)(g) [REDACTED]
- Det. Gordon has been a member of service for 23 years and has been a subject in six prior CCRB complaints and 13 allegations, none of which was substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of January 4, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs) [REDACTED]

■ [REDACTED]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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